

### **REMARKS**

This Amendment and Response is filed in response to the Office Action mailed on August 29, 2008. Please amend the above-identified patent application as follows.

Claims 1-10 were amended, no claims are canceled or added; as a result, claims 1-10 are now pending in this application.

#### **Examiner Interview Summary**

The Applicant would like to thank Examiner John R. Schnurr for the courtesy of a phone interview on October 30, 2008 between the Examiner, the Applicant's representative, Jim H. Salter, and inventor, Robert M. Zeidman. During the interview, the claims and the cited references were discussed and an agreement was reached that the independent claims of the application could be amended to place them in a condition for allowance.

#### **§103 Rejection of the Claims**

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the 1997 Broadcast of "Schindler's List" on NBC in view of Matheny et al. (U.S. Patent No. 6,766,524), hereinafter "Matheny"; and further in view of Blackletter et al. (U.S. Patent No. 7,103,904), hereinafter "Blackletter"; and further in view of Williams et al. (U.S. Patent No. 6,075,971), hereinafter "Williams".

In summary and as discussed in the Examiner Interview, Matheny teaches an incentive system that requires viewer feedback. Williams describes a coupon system that does not require viewer feedback, but that does not describe or suggest (and is not compatible with) an incentive system, wherein specific incentives and links to the specific incentives are associated with the amount of the broadcast viewed by the viewer. The presently claimed embodiments claim an incentive system that collects viewer information without requiring viewer feedback, wherein specific incentives and links to the specific incentives are associated with the amount of the broadcast viewed by the viewer. Thus, the presently claimed embodiments occupy an important gap between Matheny and Williams. As such, the presently pending claims are novel and non-obvious over Matheny, Williams, and the other art of record. The Applicant respectfully requests

withdrawal of the § 103(a) rejections, withdrawal of any other outstanding rejections, and allowance of the pending claims.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Jim H. Salter at 408-406-4855 to facilitate prosecution of this application.

Respectfully submitted,

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By his Representatives,

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Date Nov. 13, 2008

By 

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of November, 2008

Jim H. Salter

Name

  
Signature